

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 300****[SW-FRL-364,7-9]****National Oil and Hazardous Substance
Contingency Plan; The National
Priorities List****AGENCY:** Environmental Protection
Agency.**ACTION:** Notice of intent to delete site
from the National Priorities List; request
for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the Norman Poer Farm site from the National Priorities List (NPL) and requests public comment. The NPL is appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). This action is being taken by EPA, because it has been determined that all Fund financed response under CERCLA have been implemented and EPA, in consultation with the State, had determined that no further cleanup is appropriate. The intention of this notice is to request public comment on the intent of EPA to delete the Norman Poer Farm site.

DATE: Comments concerning the proposed deletion of site may be submitted until October 23, 1989.

ADDRESSES: Comments may be mailed to Margaret V. Pearce, Remedial Project Manager, U.S. EPA, Office of Superfund, 230 S. Dearborn St., Chicago, IL 60604. The comprehensive information on the site is available at your local information repository located at: Hancock County Health Department, Court House, 1st Floor, Greenfield, IN, 46140.

Request for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. Address for the Regional Docket Office is C. Freeman (5HS-12), Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, IL, 60604, (312) 886-6214.

FOR FURTHER INFORMATION CONTACT: Margaret V. Pearce, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, IL, 60604, (312) 886-4747 or Art Gasior 5PA-14, Office of Public Affairs, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, IL, 60604 (312)886-6128.

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I. Introduction

The Environmental Protection Agency (EPA) announces its intent to delete a site from the National Priorities List (NPL), appendix B, of the National Oil and Hazardous Substances Contingency Plan (NCP), and requests comments on the deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be subject of Hazardous Superfund (Fund) financed remedial actions. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that the conditions at the site warrant such action.

The site EPA intends to delete from the NPL is Norman Poer Farm, Charlottesville, Indiana.

The EPA will accept comments on the site for 30 days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action, and those that the Agency is considering using for future site deletions. Section IV discusses the history of the site and explains how the site meets the deletion criteria.

The Agency believes it is appropriate to review all sites being considered or proposed for deletion from the NPL, including the site being noticed today, to determine whether the requirement for a five-year review (under CERCLA section 121(c)) applies. This is consistent with the intent of the statement in the Administrator's "Management Review of the Superfund Program" (the "90-day study"), that "EPA will modify Agency policy so that no site, where hazardous substances remain, will be deleted from the NPL until at least one five year review is conducted and the review indicates that the remedy remains protective of human health and the environment." EPA will shortly issue its policy on when and how five-year review sites may be deleted from the NPL. This policy may have an effect on the timing of site deletions proposed in this and other notices.

II. NPL Deletion Criteria

The 1985 Amendments to the NCP establish the criteria the Agency uses to delete sites from the NPL. The NCP (40 CFR 300.66 (c)(7)) provides that sites

"may be deleted from or recategorized on the NPL where no further response is appropriate." In making this determination, EPA will consider whether any of the following criteria has been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required.

(ii) All appropriate Fund-Financed responses under CERCLA have been implemented; and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate.

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA must make a determination that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment.

Deletion of the site from the NPL does not preclude eligibility for subsequent Fund-financed actions, if future conditions warrant such actions. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for information purposes and to assist in Agency management.

III Deletion Procedures

Upon determination that at least one of the criteria described in § 300.66(c)(7) has been met, EPA may formally begin deletion procedures. The first steps are the preparation of a Superfund Close Out Report and the updating of the local information repository and the Regional deletion docket. These actions have been completed. This **Federal Register** notice, and concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30-day public comment period. The public is asked to comment on EPA's intention to delete the site from the NPL; all critical documents needed to evaluate EPA's decision are generally included in the information repository and the deletion docket.

Upon completion of the public comment period, the EPA Regional Office will prepare a responsiveness

summary which addresses any comments received. The public is welcome to contact the EPA Regional Office to obtain a copy of this responsiveness summary. If, after receiving public comment, EPA determines that deletion from the NPL is appropriate, a final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for intending to delete this Site from the NPL.

"Norman Poer Farm Superfund Site"
"Charlottesville, Indiana"

The Norman Poer Farm Superfund Site is located about 4 miles north of Charlottesville on a 4½ acre tract of land in Hancock County, Indiana. The town of Greenfield lies approximately 9 miles west of the site.

Approximately 260 drums containing liquid wastes were reported to have been placed on the site in 1973. The wastes, primarily offgrade solvents and paint resins supplied to Norman Poer and Michael Coleman by Inmont Corporation, were intended to be blended into low quality, bridge and barn paint. The project was abandoned, and the drums were stockpiled on the Poer property. In August 1981, the Hancock County Health Department requested cleanup assistance from the State Fire Marshall because of the potential fire hazard. Since 1981, local, State, and Federal officials have conducted on-site and off-site investigations and sampling.

Emergency action cleanup activities were initiated by EPA in June 1983 and concluded in July 1983. All wastes were removed from the site, and 6 to 8 inches of soil were removed from drum storage areas on-site. The site was placed on the NPL in September 1983.

In 1985, Inmont signed a Consent Order with the EPA and the Indiana State Board of Health (ISBH), under which Inmont agreed to reimburse EPA for costs and to conduct a Remedial Investigation (RI) and Feasibility Study (FS). The RI studied the surface soils, soil borings, soil affected by site drainage, and groundwater. Sample analyses showed that EPA had removed all contamination detected to *de minimis* levels during the 1983 removal action. Since the RI indicated that the site no longer posed a threat to public health and environment, the EPA concluded that a FS was not necessary.

On September 29, 1988, Region 5 approved a Record of Decision (ROD) which called for No Further Action, once monitoring wells were decommissioned. The Indiana Department of

Environmental Management (IDEM) formerly named ISBH, concurred with the ROD on September 28, 1988. After the sealing and abandonment of the monitoring wells according to State specifications, IDEM concurred on December 22, 1988, with the EPA's intent to delete the site from the NPL.

EPA's community relations staff conducted an active campaign to ensure that the residents were well informed about the activities at the site. Community relations activities included public meetings; press releases, progress fact sheets, and media contacts; establishing and maintaining an information repository; and a development of a formal procedure for responding to citizen inquiries. These activities have been ongoing from the inception of the removal action, to the signing of the ROD. The selected remedy of no further action was presented in the August 1988 Proposed Plan and the September 8, 1988, public meeting. The public reaction to the selected remedy of the ROD and the site cleanup has been positive. EPA plans to continue community relations activities throughout the deletion process.

EPA, in consultation with the State of Indiana, has determined that all appropriate Fund-financed responses under CERCLA have been implemented at the Norman Poer Farm site and that no further cleanup by responsible parties is appropriate.

Dated: August 18, 1989.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA—Region V.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

[Docket No. FEMA-6968]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either

adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:

Mr. John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of modified base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Statute 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed modified flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The local community voluntarily adopts floodplain ordinances in accord with